1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 NEIGHBORHOOD NEUROPATHY 4 CENTER OF RENO, LLC, CASE NO. 3:19-cv-619-LRH-WGC 5 Plaintiff, 6 VS. 7 MINUTES OF PROCEEDINGS 8 MEDRISK, LLC, 9 Defendant. DATED: May 12, 2021 10 11 PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE 12 DEPUTY CLERK: KAREN WALKER REPORTER: NONE APPEARING 13 14 COUNSEL FOR PLAINTIFF: Patrick Peluso, Esq., and Julie Sanpei, Esq. (telephonic) 15 COUNSEL FOR DEFENDANT: Maria Gall, Esq. 16 MINUTES OF PROCEEDINGS: VIDEO MOTION HEARING 17 1:17 p.m. Court convenes. 18 19 The court holds today's hearing pursuant to Defendant's Motion for Phased Discovery 20 (ECF No. 30), Plaintiff's Response (ECF No. 31) and Defendant's Reply (ECF No. 32). 21 Ms. Gall responds to the court's inquiry stating the discovery to be undertaken during 22 the phase discovery would be related to whether or not the faxes to plaintiff were unsolicited 23 advertisements. Ms. Gall advises that Defendant has not initiated any discovery. 24 Mr. Peluso argues that phased discovery is not necessary as all discovery can be 25 26 undertaken at once. Mr. Peluso further argues that phased discovery would only delay other 27 28 MINUTES OF PROCEEDINGS - 1

deadlines such as the class certification. Mr. Peluso also states Plaintiff has not initiated discovery even though there is a discovery cut-off deadline of August 23, 2021 (ECF No. 28).

The court notes that in District Judge Hicks' Order (ECF No. 26) denying Defendant's Motion for Summary Judgment (ECF No. 20) he states:

Summary judgment at this time will be delayed until there has been more of an opportunity to gather facts or evidence surrounding how MedRisk receives a benefit from the faxes. (ECF No. 26, pgs. 4-5).

The court questions the parties if discovery on this issue has been initiated. The parties, again, advise that no discovery has been performed.

The court expresses disappointment that the parties have not engaged in discovery at this late date, after two (2) scheduling orders and District Judge Hicks' Order specifically stating more facts and evidence needs to be obtained whether MedRisk received a benefit from the faxes.

The court denies Defendant's Motion for Phased Discovery (ECF No. 30).

There being no additional matters to address at this time, court adjourns at 1:36 p.m.

IT IS SO ORDERED.

DEBRA K. KEMPI, CLERK

| By: _ | /s/ | |
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| • | Deputy Clerk | |